Nos. 82-2159, 82-2160, 82-2221, 82-2226, 82-2227

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JULIUS HOBSON, et al.,

Plaintiffs-Appellees, Cross-Appellants,

v.

JERRY V. WILSON, et al.,

Defendants-Appellants, Cross-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOINT APPENDIX
VOLUME III
SUPPLEMENT

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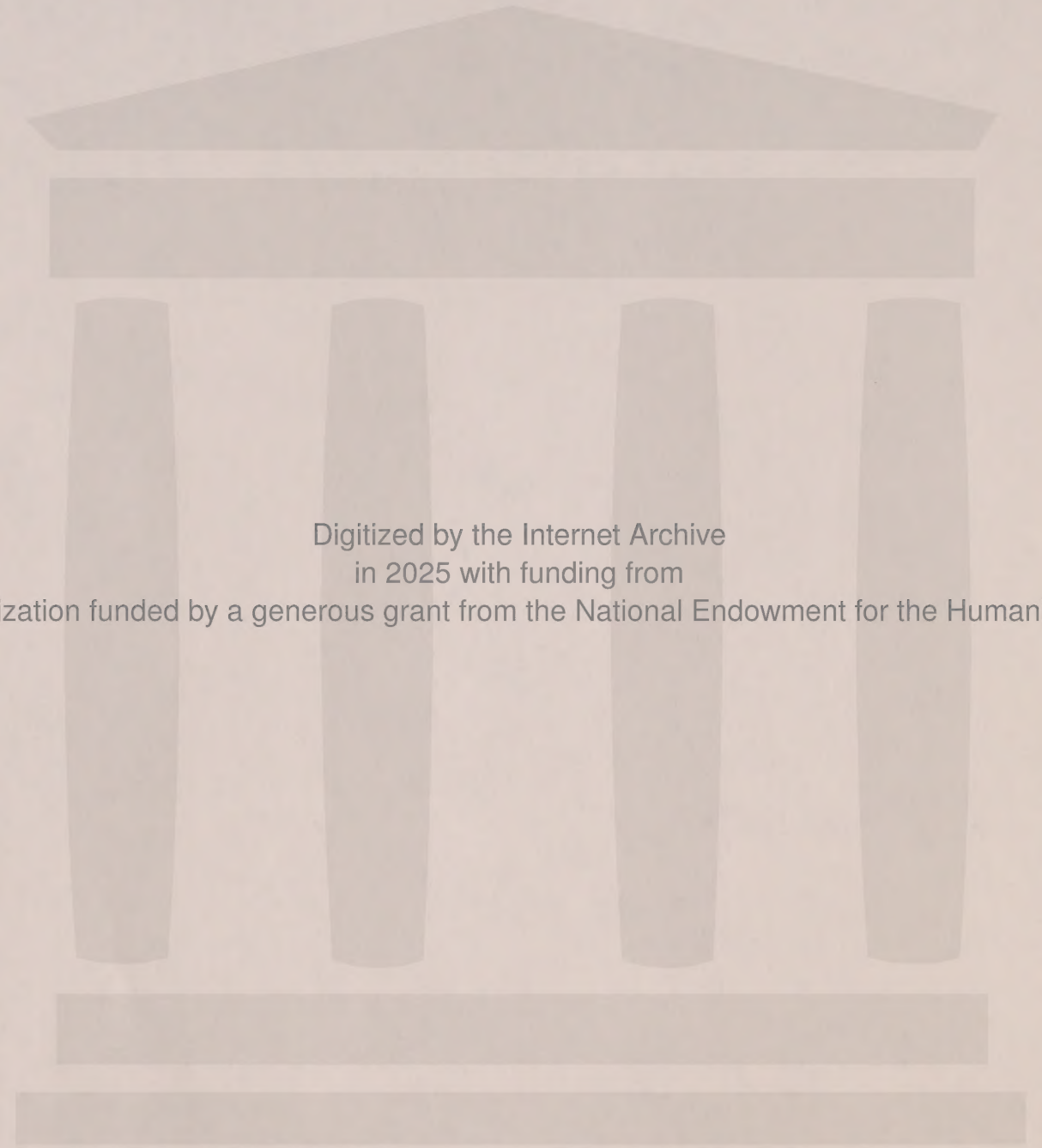

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,
Plaintiffs,
v.
JERRY WILSON, et al.,
Defendants.

Civil Action No. 76-1326

FILED
NOV 14 1978
JAMES F. DAVEY, Clerk

ORDER

Upon consideration of plaintiffs' motion for disclosure of documents included in federal defendants' in camera exhibit E, and it appearing to the Court that such documents have in fact been disclosed to plaintiffs, it is this 14th day of November, 1978

ORDERED, that plaintiffs' motion for disclosure of documents included in federal defendants' in camera exhibit E be, and hereby is, denied.

John H. Pratt
United States District Judge

182A

P-034-C

FPI-MAR—10-6-77

A. Yes, I am.

Q. Where do you work?

A. I work at the Department of Energy. I am Director of the Energy Equipment Division in the Office of Conservation and Renewable Resources.

Q. How long have you been there?

A. I have been there since 1974.

Q. Where did you work prior to that?

A. At the Civil Service Commission since 1967. I do want to amend that. There wasn't a Department of Energy in 1974, it was called the Federal Energy Office.

Q. And before you were at the Civil Service Commission, where were you employed?

A. Before I was at the Civil Service Commission, I was at the National Institute for Public Affairs.

Q. Have you basically worked ever since you graduated from college?

A. No, I was married for nine years, and I stayed at home and worked at home.

Q. Are you married at the present time?

A. No, I am not.

Q. Were you previously married?

A. Yes.

Q. Who was your husband?

A. Julius W. Hobson.

interest because Mr. Hobson had filed a suit against the federal agencies charging discrimination.

MS. BONN: Your Honor, I would like to object.

THE COURT: Objection sustained.

BY MS. PILSBURY:

Q. Okay, Mrs. Hobson, was there anything else that took place at your employment coincidental with the time that you announced your engagement?

A. Yes, I was transferred from my job and a new full field investigation was instigated.

Q. From your knowledge of Civil Service Commission practices, is it common to do a full field investigation of someone who is already on board?

A. No.

Q. Were you under consideration for a promotion?

A. No.

Q. Is there any indication in the documents that you have before you what prompted the field investigation in 1969?

THE COURT: The answer to that is yes or no.

THE WITNESS: Yes.

BY MS. PILSBURY:

Q. Could I refer you to document 99-7?

MS. PILSBURY: Can I read, Your Honor, or can I ask the witness --

THE COURT: Do you have a question about the

document?

MS. PILSBURY: I want to ask her what the first paragraph says.

THE COURT: Do you have a question about the first paragraph?

MS. PILSBURY: Yes.

THE COURT: Why don't you frame a question that includes a paraphrase or quote of the first paragraph?

BY MS. PILSBURY:

Q. With reference to document 99-7, Mrs. Hobson, which is dated November 20th, 1969, and indicates that an individual identified as S.E. Alfred H. Kreckman, spelled K-R-E-C-K-M-A-N, caused a search to be made of the files of the Bureau of Personal Investigations, Civil Service Commission, and was advised on 10-29-69 that the Civil Service Commission conducted the following investigations, and then it lists them. At what point in time do you recall being told that a field investigation was being conducted?

A. About that point in time.

Q. Thank you.

Now, with reference to the dates on these documents which you have before you, July through November of 1969, were you aware at that time that your marriage to Julius Hobson, or your affairs, were the subject of FBI interest?

A. No.

THE COURT: You are dealing here with a First Amendment right of association in attracting stars to a political operation. I wanted to test it to make sure that it just wasn't brandishing King's name. I anticipated your objection and it is overruled.

BEFORE THE JURY:.

BY MS. PILSBURY:

Q. Do you recall the question, or do you want it repeated?

A. Yes. Who were in the front line of the march?

Q. That's right.

A. My husband, William Sloane Coffin from Yale, Coretta King, George McGovern, and there were three or four others that I'm sorry, I cannot remember.

Q. Were you at the front of the march as well?

A. Yes.

Q. Do you recall whether the remainder of the participants in that march were mostly black people or mostly white people?

A. Mostly white.

Q. Had efforts been made that you were aware of at that time to encourage local black citizens and black groups to participate in the peace movement?

A. Yes.

Q. What was the result of those efforts?

A. Discouraging.

Q. Did you take an active part at that time in trying to develop participation by both black and white groups in the peace movement?

A. Yes.

Q. Was this an important goal to you at the time?

A. Yes.

THE COURT: You will have to be careful about leading.

MS. PILSBURY: Thank you, Your Honor, I will certainly try to be.

BY MS. PILSBURY:

Q. Mrs. Hobson, I will show you a document marked for identification as Plaintiffs' Exhibit 21.

THE COURT: Do defendants have that?

MS. PILSBURY: I will give everybody a minute, Your Honor, to find that.

BY MS. PILSBURY:

Q. Have you seen these documents before, Mrs. Hobson?

A. Yes, I have.

THE COURT: Is there more than one? Did you say Exhibit 21?

MS. PILSBURY: It has got seven pages, Your Honor.

THE COURT: Very well.

BY MS. PILSBURY:

Hill, and of about 25,000 -- I was the only one on the platform, and I could see in the back smoke bombs and activity and smoke rising, and there was action by police that I could see at the very back. And I was worried that it would cause 25,000 people to panic, so I called Julius up the ladder, and he had difficulty getting up because he was ill, but he got up that ladder, and he took a look around, and he said, "Now, nobody look behind you. There is some activity going on. It is generated by the police. This is a peaceful demonstration and we want to keep it peaceful" --

MS. BONN: Your Honor, I will place an objection. It is hearsay.

THE COURT: Hearsay? The objection is overruled. She said that she was standing there watching it and listening to it. What is the hearsay?

MS. BONN: May we approach the bench?

THE COURT: I don't think so, no. Go ahead.

THE WITNESS: And everybody did. It remained peaceful and the smoke and the activity by the police was contained in the rear.

BY MS. PILSBURY:

Q. Did anyone ever attempt to persuade you from attending or participating in any demonstrations?

A. Yes. There was one demonstration --

THE COURT: You answered the question yes.

MS. PILSBURY: Okay.

BY MS. PILSBURY:

Q. Were you ever arrested yourself?

A. Yes.

Q. When was that?

A. That was on the Capitol Hill demonstration when we had a sit-in in the House of Representatives.

Q. Would that have been in June of '72?

A. Yes.

Q. Were you convicted?

A. No.

Q. Did you know, at any of this time, '67 through '73, for a fact that your activities were under surveillance by either the FBI or the D.C. Police?

A. I don't understand the question, Your Honor.

THE COURT: You will have to rephrase the question.

BY MS. PILSBURY:

Q. My question is whether you knew for certain in the period 1967 through 1973 that your activities were under surveillance by either the FBI or the D.C. police?

A. No.

Q. When did you first become aware that you had been under surveillance -- did there come a time when you learned that you had been under surveillance by the D.C. Police?

A. Yes.

Q. And when was that?

A. In the newspaper, I read it in the newspaper.

THE COURT: The question was when, not where.

BY MS. PILSBURY:

Q. Do you recall when?

A. No, I do not, no.

MS. PILSBURY: If I could have the Court's indulgence for a moment, Your Honor.

BY MS. PILSBURY:

Q. I am going to show you a document captioned "Plaintiff Tina Hobson's Response to First Set of Interrogatories," and direct your attention to your response at the top of page 5 and ask you if that refreshes your recollection.

A. Yes.

Q. What was the date of the article?

A. February 15th, 1975.

Q. Was that the first time that you learned that you were actually under surveillance --

THE COURT: That's been asked and answered. You asked the question when was it she first learned, and she just gave you the date.

MS. PILSBURY: Fine, thank you, Your Honor.

BY MS. PILSBURY:

Q. Had you any knowledge about the FBI at that time?

THE COURT: That is an impossible question.

BY MS. PILSBURY:

Q. About the FBI surveillance of your activities?

A. No.

MR. WHITE: Your Honor, I would object to the question as not indicating a time. The phrase "that time" was not indicated.

MS. PILSBURY: The reference was to 1975, the date of the article on the D.C. Police.

THE COURT: That is what you say. What does she say? Why don't you just start over and ask a proper question now and get an answer.

BY MS. PILSBURY:

Q. Mrs. Hobson, when did you first learn that you had been the subject of FBI surveillance?

A. When we received the FBI file.

Q. And when was that, roughly?

A. We wrote for it in '74. I don't recall the date that we received the file.

Q. It would have been sometime after 1974?

A. Yes.

Q. When you say that you wrote for it, could you be more specific?

A. Yes. Actually my husband wrote the FBI for our files, both of our files.

Q. Was that under the Freedom of Information Act?

A. Yes.

Q. So sometime after 1974 you received --

A. Right.

Q. Did you receive your complete file, as far as you know?

A. No.

Q. Did you receive documents in the course of this litigation which you had not seen before?

A. Yes.

Q. Had you any knowledge prior to this litigation that the FBI was engaged in attempting to sow dissension within the Black United Front and between the Black United Front and the peace groups?

A. No.

MS. BONN: Objection.

MR. WHITE: Objection.

THE COURT: Objections are sustained. You will disregard the counsel's testimony. As I told you before, you don't take evidence from lawyers, you take it from witnesses.

And your question should be related to an exhibit number or a date rather than trying to hype the description of what happened.

MS. PILSBURY: Okay, Your Honor. I was just trying to save a little time.

BY MS. PILSBURY:

Q. Mrs. Hobson, with reference to the FBI activities described in Exhibits 20 and 21 do you have those?

A. I have 20. Yes.

Q. With respect to those activities had you any knowledge of those, of the FBI's role in those activities as described in those documents prior to this litigation?

A. No.

Q. Finally, Mrs. Hobson, could you just describe what effect, if any, the FBI's activities or the activities of the D.C. Police, as you have become aware of them, have had on you personally in terms of --

MR. WHITE: Objection.

THE COURT: Sustained.

MS. PILSBURY: Do you want me to be more specific?

A. Yes, you can talk about the things that are described in those exhibits if you want to about which she has testified, but limited to that.

MS. PILSBURY: Okay.

BY MS. PILSBURY:

Q. Mrs. Hobson, in reference to the activities described in the Exhibits 20 and 21, could you describe what effect, if any, those activities had on your exercise --

THE COURT: Don't characterize them legally, tell her on doing particular things.

November the head of the investigation area, and he was the person in charge.

Q. He he was an employee of the Civil Service Commission?

A. Yes.

Q. Did he tell you why the investigation was being conducted?

A. Yes, he did.

Q. Do you recall the year of this conversation?

A. 1969, in November, after the engagement was announced to my husband.

Q. And what did he say was the reason for the investigation?

A. He said -- remember, it was an update to a full field investigation, which I had already had at the Peace Corps. He stopped me and he said, "I'm surprised at you," and the inference was marrying someone like Julius Hobson. He said, "We are reviewing your files and they are so clean."

Q. Mrs. Hobson, you just made reference to an inference. Was that your inference at the words, "I'm surprised at you"?

A. That was my inference.

Q. Did this individual indicate in any way that the FBI was somehow involved in this update?

A. No.

Q. Mrs. Hobson, you also went through a reasonably lengthy list of the demonstrations that you participated in. Do you recall that testimony?

A. Yes.

Q. Was there ever an occasion in which you failed to go to a demonstration upon an invitation or upon your own desires to participate?

A. Only if I was sick.

Q. Mrs. Hobson, were you a member of or affiliated with the National Mobilization Committee or the New Mobilization Committee?

A. I worked with that specific '69 march. I can't recall being a member of anything.

Q. Is your answer no, Mrs. Hobson?

A. My answer is I can't recall.

Q. Were you a member of, yourself, the Black United Front?

A. No.

Q. Did you attend meetings of the Black United Front?

A. No.

Q. Then you would not have been present at the time that the Black United Front voted or not on the matter of charging the National Mobilization Committee for the demonstration?

A. No.

A. Invariably we would notify the authorities and get a permit for the activities.

Q. Do you know for instance whether there was a permit obtained for the Chicago march?

A. I am sure that the same procedures were followed.

Q. But you wouldn't have been involved in that?

A. No.

Q. What did happen in Chicago in 1968?

A. In Chicago the meeting in the park proceeded in a relatively peaceful fashion up to a point where on some -- for some reason which I could not figure out, maybe somebody stepped on somebody's toe, the police began to push into the crowd.

MS. BONN: I am going to ask that --

THE COURT: Pardon me?

MS. BONN: I'm going to make a motion that that comment that perhaps somebody stepped on somebody's toe be stricken from the record. It was not responsive to the question.

THE COURT: Mr. Bloom, the objection was surmised as to someone stepping on someone's toes. I know this is hard, but this is not just a conversation, this is testimony about things that you observed or said or heard, and it is not the occasion for you to surmise. Now, if you know that somebody stepped on somebody's toes, that is perfectly a

competent answer. If you don't then --

THE WITNESS: Well, all I can answer then is at some point I saw the police beginning to push into the crowd and wielding clubs.

MR. WHITE: I would like to object to the relevancy of this entire line of inquiry.

THE COURT: Yes.

MS. PILSBURY: We are passing on to it, Your Honor. We are not going to dwell on it.

THE COURT: I am sure the jury will recognize, without my making a point, that there is no charge here against the Chicago police, and what they did is irrelevant to this trial.

BY MS. PILSBURY:

Q. At that point, Mr. Bloom, did a confrontation ensue between the demonstrators and the police?

A. No, it was quieted down. I think that some of our people began to talk to the police in order to stop the activities and it all quieted down.

Q. Now, would a person who had been attending -- strike that. Let me ask the question this way: At Washington Mobe meetings prior to Chicago, or prior to any major demonstration, was this issue of maintaining the peaceful character of demonstration something that was openly discussed?

A. Yes, it was.

Q. Did anyone at any of your meetings propose disruptive tactics or more confrontational postures?

A. From time to time we did have people who would make suggestions of that sort.

Q. And how would those suggestions be received by you?

A. In all cases we pointed out the importance of a peaceful demonstration.

Q. Okay, I am now going to direct your attention from 1968 to 1969, unless there is something in 1968 we have overlooked.

THE COURT: You have to ask questions. You are not a discussion leader, you are a lawyer asking questions.

BY MS. PILSBURY:

Q. Directing your attention to October of 1969, did you participate in any activities in that month of 1969, October?

A. Yes, October --

THE COURT: The answer is yes, okay.

THE WITNESS: Yes.

BY MS. PILSBURY:

Q. And describe what activities occurred in that month?

A. In October of 1969 the Viet Nam Moratorium, which was an organization which was closely working with the New Mobilization Committee, was holding a demonstration which

they call a moratorium.

Q. Could you describe what the purpose of the moratorium activity was?

A. Yes, people should take time off from work -- this was during a weekday -- and join in a protest against the war.

Q. And you made reference to a group called the New Mobilization Committee. What was that, and when had it come into existence?

A. Early in '69 a conference in Cleveland set up the New Mobilization Committee.

Q. Did you attend the conference in Cleveland?

A. I did.

Q. How many other people were there, approximately?

A. Several thousand.

Q. Who were these people, where had they come from?

A. All around the country. There were various anti-Viet Nam war committees in various cities and they were all invited to send delegates.

Q. As a result of the conference in Cleveland, were you designated as any -- did you have any position in this New Mobilization Committee?

A. Yes, I was elected a Washington coordinator.

Q. Is the New Mobilization Committee sometimes referred to in your literature as NMC?

A. Yes.

Memorial Bridge past the White House to the Capitol. And this went on around the clock day in and day out for three or four days, I believe. Then on Saturday, which I think November 15th was, a mass demonstration took place with a big rally at the Lincoln Memorial extending as far back as the Washington Monument.

Q. Were both of those activities peaceful?

A. Yes.

Q. Were you in charge -- did you have anything to do with training marshals at those activities?

A. Not specifically. I was recruiting marshals, but I didn't do any training of marshals.

Q. Were there any logistical problems after the march was over?

A. There was --

THE COURT: Yes or no.

THE WITNESS: Yes.

BY MS. PILSBURY:

Q. Could you describe what they were?

A. There was some serious problems with respect to people who did not make connections with their buses to go home, and it was necessary for us to raise a lot of additional funds to get people back home.

Q. When you say "did not make connections," could you be more specific?

A. Well, they were supposed to meet their buses at a certain time and a certain place, and in many cases people told us that the buses weren't there when they got there.

Q. Now, directing your attention to a different time period in a different demonstration, do you recall participating in activities planned to coincide with President Nixon's inauguration in January of 1969?

A. Yes.

Q. What was the name, if there was one, of the organization that you were working with at that time?

A. That was back in early '69. The New Mobe was not yet in existence and it was still under the auspices of what was called the National Mobilization.

Q. You say the New Mobe was not in existence?

A. Not yet.

Q. What would be the name, then, of the organization that sponsored the November '69 march that we have just finished talking about?

A. The New Mobe, but that came into existence in the early part of '69.

Q. I'm sorry, you're right, I'm confused. January is before November, I'm sorry. Going back, then, to the beginning of 1969, that was, you said, the National Mobilization?

A. Right.

Q. Was there a local Washington affiliate of the National Mobe?

A. Yes.

Q. What was it called?

A. It was called the Washington Mobilization.

Q. And this is the organization that you testified about this morning?

A. Right.

Q. Could you just describe briefly for the jury the purpose and nature of the activities that the Washington Mobilization and the National Mobilization sponsored in January of 1969?

A. It got the name counterinaugural, and the purpose was to bring attention to the opposition to the war at a time when so much attention was being paid to the Washington scene with the inauguration. We felt that this would be a good time and place to show the opposition that existed to the war.

Q. Did you help organize that activity?

A. Yes.

Q. What specific roles did you play in organizing it?

A. Washington Mobe became responsible for housing, because people were coming in from out of town to stay for a few days and it was necessary to put them up. We volunteered to provide housing for people.

Q. When you say, "we volunteered to provide housing,"

MS. PILSBURY: I move that document into evidence, Your Honor, Plaintiffs' Exhibit 14.

MR. WHITE: Once again, I will object on the grounds that no foundation has been laid.

THE COURT: You haven't done that -- well, how does he know about the document?

MS. PILSBURY: I asked him and he indicated that he received it.

THE COURT: Objection is overruled.

THE CLERK: Plaintiffs' Exhibit 14 received into evidence.

(Plaintiffs' Exhibit Number 14 was admitted in evidence.)

BY MS. PILSBURY:

Q. Were there any other logistical or other disruptions that you personally know of that occurred in connection with the 1969 counterinaugural?

A. I only heard of some. I didn't know of any other personally.

Q. Was this planned to be a peaceful demonstration?

A. Yes.

Q. Was it a peaceful demonstration?

A. Yes.

Q. Directing your attention, finally, to 1970, I am going to show you two documents just for purposes of clarity.

MS. PILSBURY: Just Mr. Bloom.

THE COURT: And he is the Washington director?

MS. PILSBURY: Yes, and treasurer.

THE COURT: Objection sustained.

BEFORE THE JURY:

BY MS. PILSBURY:

Q. Mr. Bloom, directing your attention to the period 1970-1971, can you recall what some of the major activities were that you participated in in those periods, taking it chronologically, if you wish?

A. In 1970 there developed a split in the New Mobilization, and two different organizations developed out of that split.

Q. What were they?

A. One was called the National Peace Action Coalition, and the other became -- after a few different variations, became the People's Coalition for Peace and Justice.

Q. What was the difference, if any, between those two groups in philosophy?

A. The difference was whether the Antiwar Movement or peace movement should be aimed singly at the issue of ending the war in Viet Nam or whether it ought to include a whole variety of issues. That was the main difference.

Q. Okay, you have indicated that a split occurred. Did the new organizations have new names?

A. Yes.

Q. What were they?

A. The National Peace Action Coalition and the People's Coalition for Peace and Justice.

Q. Are those organizations sometimes known by their initials?

A. NPAC would be N-P-A-C, and the other was PCPJ, People's Coalition for Peace and Justice.

Q. Were both of these organizations -- what was the position of these two organizations, if you know, on the question of peaceful versus nonpeaceful demonstrations?

THE COURT: Just a moment, there is an objection.

MR. WHITE: I will object to this line of inquiry. The question does not go to the activities of the plaintiff and it is not relevant.

MS. PILSBURY: I will tie it up very shortly, Your Honor.

THE COURT: You better come back up here and tell me how you are going to do it.

AT THE BENCH:.

MS. PILSBURY: The organization that Mr. Bloom was chairman of, starting in this period, is WAPAC, and WAPAC is the Washington affiliate of NPAC, and I wanted him to describe the differences between the two groups.

THE COURT: Then where are you getting?

MS. PILSBURY: Have him discuss the impact of WAPAC.

THE COURT: Is this one of the things he wanted to strike?

MS. PILSBURY: No, I am skipping over these things.

THE COURT: Objection is overruled. Go ahead.

BEFORE THE JURY:

BY MS. PILSBURY:

Q. Mr. Bloom, do you recall the question, or do you want me to repeat it?

A. Please repeat it.

Q. Okay, what was the position, if you know, of these two new groups on the question of peaceful versus nonpeaceful demonstrations?

A. NPAC was definitely oriented toward building mass demonstrations, and towards peaceful demonstrations. The People's Coalition for Peace and Justice was also oriented along peaceful lines, but they included peaceful civil nonviolent actions.

Q. And which of these organizations were you associated with?

A. I was associated with NPAC.

Q. Did NPAC have a Washington D.C. affiliate?

A. Yes, the Washington Mobilization became the Washington Area Peace Action Coalition.

MR. WHITE: I'm sorry. I didn't hear that.

MS. PILSBURY: May I show the Plaintiff the document that has been marked as -- I believe Federal Defendants' Exhibit Number 30.

THE COURT: Exhibit 30? Federal Defendants' Exhibit 30.

BY MS. PILSBURY:

Q. Mr. Bloom, I draw your attention to item C there. Does that refresh your recollection?

A. Yes, very much.

Q. What does that refer to --

THE COURT: Just ask him a question that you can get an answer to.

BY MS. PILSBURY:

Q. With your memory refreshed, Mr. Bloom, did you indicate any other areas of interference with your business in these interrogatories?

A. Yes.

Q. What was it?

A. At one point in our negotiations with another company for merger, which was called -- the other company was General Kinetics, Inc. That company received an anonymous letter telling them about the fact that they were about to merge with a company of subversive characters.

Q. Did the merger occur?

A. It did.

Q. Was that the instance that you were referring to in your testimony on direct, or were there other instances in addition to this which you feel --

A. I feel that there were other instances also.

Q. Subsequent to this instance that you refer to in your interrogatory or before it?

A. Before.

Q. And now directing your attention to the questions that you were asked on cross-examination by counsel for the individual Metropolitan Police Department defendants, did the various peace organizations that had office space at 1029 Vermont Avenue work closely together -- did they work together?

A. Yes.

Q. Would they share office facilities?

A. Yes.

Q. Did they share Xeroxing facilities?

A. Yes.

Q. Did they share volunteers?

A. To some extent.

Q. And I believe you indicated on cross-examination that the front door of 1029 was often open to the street. Would the individual offices be open as well when no one was there?

A. No, they were locked.